



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

AUG 25 2016

FEDEX

Mr. Matthew Hayes
Director of Quality Assurance
Gamse Lithographic Co., Inc.
7413 Pulaski Highway
Baltimore, MD 21237-2529

**Re: Notice of Violation
Compliance Evaluation Inspection
February 3, 2016
Gamse Lithographic Co., Inc.
EPA ID No. : MDD003061538**

Docket No.: R3-16-NOV-RCRA-026

Dear Mr. Hayes:

On February 3, 2016, the U.S. Environmental Protection Agency, Region III ("EPA") conducted a Compliance Evaluation Inspection (report narrative and photographic log attached) of the Gamse Lithographic Co., Inc. facility ("Gamse" or "the facility") located in Baltimore, Maryland under the federally authorized Code of Maryland Regulations (COMAR) Title 26 Subtitle 13 (Disposal of Controlled Hazardous Substances) and the Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. Sections 6901 et seq. Based on the inspection and/or review of other pertinent information, EPA has determined that Gamse was in violation of regulations promulgated under the COMAR and RCRA. As a result of this finding, the Agency is issuing this **Notice of Violation (NOV)**. The specific violations are:

1. In the facility's primary Hazardous Waste (HW) accumulation area one 55gal drum was found labeled as HW but had two different accumulation start dates: 1/12/16 and 1/18/16 (see enclosed photographic log, photos 15 & 16). To allow for the storage of HW without obtaining a RCRA permit, the facility must ensure that each container holding HW be marked with its true accumulation start date [COMAR 26.13.03.05E(1)(e), 40 C.F.R. § 262.34(a)(2)].
2. During the inspection there were several instances observed where more than 55gal of HW was apparently being stored in an area intended as a "satellite" collection area: in the Lithographic Pre-Press Area one 55gal drum labeled "HP Indigo Waste" was found next to a 21gal drum containing spent solvent rags (photos 38-41); in the Chemical Storage

Room one 55gal drum labeled as "UV Wash Waste" was found next to another 55gal drum labeled "BW Waste" (photos 48-51); in the Lithographic Press Room three 30gal drums were found next to each other, two of which were labeled as "Use for Recyclable Absorbent Rugs Only" and the other labeled only as HW (photos 60-62); and in the Flexographic Press Room one 55gal drum was found labeled as "Flexo Ink Waste" next to another 55gal drum labeled as "UV Waste" (photos 79-82). To qualify for the reduced requirements of satellite storage Gamse must ensure that no more than 55gal of HW (or one quart of acutely hazardous waste) is accumulated in any one satellite area [COMAR 26.13.03.05E(3), 40 CFR § 262.34(c)(1)]. Failure to comply with this requirement would necessitate that the area be treated as a less-than-90-day HW storage area or that a RCRA permit be obtained for such storage.

3. In the Lithographic Pre-Press Area the 21gal container of solvent-contaminated rags described above also did not have a HW label or other label describing its contents (photos 39-41). In the Gravure Press Room another 21gal container of solvent-contaminated rags was found without a label, and there were additional soaked rags found on top of the container (photos 65-67). Further requirements of satellite storage areas are that all HW stored in a satellite area must be kept in closed containers, and that each such container must be labeled either as HW or with a description of its contents [COMAR 26.13.03.05E(3)(a & b), 40 CFR § 262.34(c)(1)(i & ii)]. Failure to comply with these requirements would also necessitate that the area be treated as a less-than-90-day HW storage area or that a RCRA permit be obtained for such storage.
4. In the Lithographic Press Room a 55gal drum was found with significant dents and labeled only as: "Caution Hazardous Waste" (photo 59). If this drum was intended to be a satellite storage area it must be located at or near the point of generation of its waste [COMAR 26.13.03.05E(3), 40 CFR § 262.34(c)(1)]. If the drum was intended as a less-than-90-day HW storage container then it is required to be dated as to when HW first began accumulating in the drum [COMAR 26.13.03.05E(1)(e), 40 C.F.R. § 262.34(a)(2)] and must be included in the facility's weekly HW storage inspections [COMAR 26.13.05.09E, 40 C.F.R. § 265.174]. Regardless of whether the drum was considered to be satellite or less-than-90-day HW collection, the facility is required to ensure that containers of HW are either maintained in good condition or transferred to another container(s) in good condition [COMAR 26.13.05.09B, 40 C.F.R. § 265.171].
5. In the Flexographic Press Room two open 5gal buckets were found to contain what was described as white ink waste (photos 79-81). At the time of the inspection the facility representative was unsure of whether this waste was HW or not. For every solid waste generated at the facility, Gamse is required to determine if such waste is HW [COMAR 26.13.03.02, 40 CFR § 262.11]. If the contents of either of the buckets are determined to be HW then all associated HW management and disposal requirements would apply.
6. Outside of the facility's QA Office, inspectors observed a Universal Waste (UW) battery accumulation area. This consisted of four storage bins labeled only as to the type of battery which they contained (photo 84). To be eligible for the reduced requirements of

UW storage, all containers of UW batteries must be labeled with one of the following three specific phrases: "Universal Waste -- Battery(ies)," "Waste Battery(ies)," or "Used Battery(ies)" [COMAR 26.13.10.17A(2)(a), 40 CFR § 273.14(a)]. Additionally, the facility must maintain some method of tracking how long the batteries are stored onsite to ensure that they are not stored for longer than one year [COMAR 26.13.10.17B, 40 CFR § 273.15]. No dates were found on the bins at the time of the inspection, and no other method of tracking such dates were shared with the inspectors.

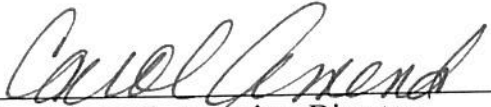
7. Lastly, the facility's Contingency Plan appeared to be missing several required elements: specific emergency responses for fires, explosions, or releases of HW; descriptions of arrangements with local authorities such as police, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services; addresses of Emergency Coordinator(s); list of emergency equipment at the facility including locations, physical descriptions and capabilities; and an evacuation plan including evacuation routes and alternate routes if necessary [COMAR 26.13.05.04C, 40 CFR § 265.52].

Within thirty (30) calendar days of the receipt of this NOV, please submit documentation of any measures Gamse has taken or is taking to achieve compliance with the violations noted above or provide an explanation of facts and circumstances that cause you to believe that EPA's determination of the alleged violations is in error. If the compliance measures identified are planned or are on-going, please provide a schedule for when the compliance measures will be completed.

With regard to the Small Business Regulatory Enforcement and Fairness Act (SBREFA), please see the "Information for Small Businesses" memo, enclosed, which might be applicable to your company. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action. EPA has not made a determination as to whether or not your facility is covered by the SBREFA.

Section 3008(a) of RCRA authorizes EPA to take an enforcement action whenever it is determined that any person has violated, or is in violation, of any requirement of RCRA as amended. Such an action could include a penalty of up to \$37,500 per day of violation. In addition, failure to achieve and maintain compliance with the regulations cited in this NOV may be treated as a repeated offense and may constitute a "knowing" violation of Federal law. This NOV is not intended to address all past violations, nor does it preclude EPA from including any ongoing violations, including the ones cited in this letter, or past violations in any future enforcement action. The response to this NOV shall be addressed to:

Martin Matlin (3LC70)
U.S. Environmental Protection Agency - Region III
Office of Land Enforcement
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029



Carol Amend, Associate Director
Office of Land Enforcement
Land and Chemicals Division

Aug 25, 2016
Date

Enclosures

cc: Brian Coblenz, MDE
Martin Matlin, 3LC70
Pauline Belgiovane, 3LC70